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Federal Communications Commission
Washington, D.C. 20554

November 15, 1994

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Honorable Jennifer Dunn
U.S. House of Representatives
1641 Longworth House Office Building
Washington, D.C. 20515

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Dear Congresswoman Dunn:

Thank you for your letter on behalf of Chase Riveland, Secretary of the Department of Corrections, Washington, regarding the Commission's Billed Party Preference (BPP) proceeding. On May 19, 1994, the Commission adopted a Further Notice of Proposed Rulemaking in this proceeding. I have enclosed a copy of the Further Notice and press release accompanying it for your information.

The Further Notice sets forth a detailed cost/benefit analysis of BPP. This analysis indicates, based on the available data, that the benefits of BPP to consumers would exceed its costs. The Further Notice sought comment on this analysis and asked interested parties to supplement the record concerning the costs and benefits of BPP. The Further Notice also invited parties to recommend alternatives to BPP that could produce many of the same benefits at a lower cost. Reply comments were due September 14, 1994. Presently, the Commission is evaluating the comments submitted and considering the implementation of BPP along with other options.

The Further Notice also explicitly sought comment on whether correctional facility telephones should be exempt if BPP is adopted. Specifically, the Further Notice sought additional information on the effectiveness and costs of controlling fraud originating on inmate lines with or without BPP. The Further Notice also sought comment on a proposal to exempt prison telephones from BPP if the operator service provider adheres to rate ceilings for inmate calling services.

BPP would not preclude prison officials from blocking or limiting inmate calls to specific telephone numbers in order to prevent threatening and harassing calls. Moreover, BPP would not affect the ability of prison officials to limit inmates to collect calling or to program telephone equipment at the prison site to block certain numbers.

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The Honorable Jennifer Dunn
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Thank you for your interest in this proceeding. I can assure you that the Commission will carefully examine all of the comments submitted in response to the Further Notice, including additional empirical data regarding the costs and benefits of implementing BPP and the impact of BPP on telephone service from correctional facilities.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Kathleen M.H. Wallman', written over the typed name.

Kathleen M.H. Wallman
Chief
Common Carrier Bureau

Enclosures

JENNIFER DUNN

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**UNITED STATES
HOUSE OF REPRESENTATIVES**

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92-77

PUBLIC WORKS AND
TRANSPORTATION COMMITTEE

SCIENCE, SPACE, AND
TECHNOLOGY COMMITTEE

HOUSE ADMINISTRATION
COMMITTEE

5131

October 6, 1994

Mr. Reed Hundt
Chairman
FCC
1919 M Street N.W.
Washington, D.C. 20554

Dear Mr. Hundt:

Please find enclosed a letter from Chase Riveland, Secretary of the Department of Corrections for the state of Washington. Mr. Riveland is concerned about the Federal Communications Commission's proposed change regarding Billed Party Preference. It is my understanding that you are still receiving comments on this issue. I would appreciate your consideration of Mr. Riveland's remarks before issuing the FCC's final opinion on Billed Party Preference.

I thank you in advance for your attention to this matter. Should you need additional information please do not hesitate to contact Kim Poysky, of my staff at 225-7761.

Best regards,

JENNIFER DUNN
Member of Congress

JD:kp



STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS

P.O. Box 41100 • Olympia, Washington 98504-1100 • (206) 753-1573
FAX Number (206) 586-3676 SCAN 321-3676

August 3, 1994

The Honorable Jennifer Dunn
U.S. House of Representatives
1641 Cannon House Office Building
Washington, D.C. 20515

Dear Representative Dunn:

**RE: FEDERAL COMMUNICATIONS COMMISSION "BILLED PARTY PREFERENCE"
(BPP): CC DOCKET NO. 92-77**

The Federal Communications Commission has issued a Further Notice of Proposed Rulemaking in the matter of Billed Party Preference (BPP) to change the way long distance carriers are selected on collect calls from prisons. As presently drafted, it is expected that the Billed Party Preference proposal would eliminate private industry's ability to provide offender telephone service.

Currently, the Washington State Department of Corrections' offender telephone providers supply approximately 940 telephones at 13 prisons, two pre-release facilities, and 14 work/training release facilities. Offenders cannot originate sent-paid calls, nor can they receive telephone calls. State law mandates that "All personal calls made by offenders shall be collect calls only. The operator shall notify the receiver of the call that the call is coming from a prison offender, and that it will be recorded and may be monitored."

The Billed Party Preference proposal poses special problems for confinement facilities and could also be a security threat to the Department. It would allow offenders to have further avenues available to commit or conceal their fraud and harassment by telephone activities. In spite of the most careful of precautions, some offenders do commit criminal activity from within the institution, with one of the most prevalent criminal activities being telephone fraud. Without the specialized offender-only telephones, greater supervision by correctional staff would be required each time an offender uses the telephone. The areas which would be placed at risk or jeopardized include the ability to block calls to specific numbers which prevents or reduces harassing calls; providing real time call detail and special reports which assists in detection and prevention of criminal activity; and providing the capability to listen and/or record which assists institutions in detection and prevention of criminal activities. By having operators announce to the called party that the call is being placed by an offender, ensures that the called party is informed before accepting calls. This provision is state law.

FCC BPP: cc Docket No. 92-77

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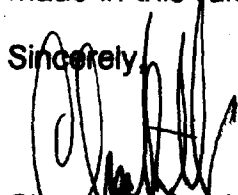
There is significant federal precedent to support excluding offender telephone services from Billed Party Preference. It was specifically excluded from the Telephone Operator Consumer Services Improvement Act of 1990 (TOCSIA), passed by Congress. The Act requires that all pay telephones allow callers to be able to reach the long distance carrier of their choice by dialing access codes. The Act also allows the Commission enforcement action against unjust or unreasonable rates.

Correctional facilities are unique and the Department would like the Federal Communications Commission to continue to recognize the difference. A correctional facility is a controlled environment, not like public areas, where, for example, public telephones may be available. Further, a correctional system must balance a number of needs in providing service, including activity to prevent harassment, fraud, and other crimes. The system must also provide offenders with reasonable access to telephones and people they contact, including family and attorneys. The telephone system does require specialized applications.

In addition, the loss of commissions, which are put in the Offender Welfare Fund and used only for offenders, would severely curtail the level of services currently being provided to the offender population. This Department competitively bid a contract for these services which does not allow rates higher than tariffed by U.S. West and American Telephone and Telegraph with no surcharge to the called party or the Department. Under the proposed rulemaking, telephone companies will control the routing of calls and will be the sole recipient of revenues from long distance companies for passing the calls on.

Finally, correctional facilities must be able to manage offender telephone services in order to provide security and safety to staff, offenders, and the public at large. I therefore respectfully request your support in exempting offender telephone services from the proposed Federal Communications Commission rules, no matter what other decisions are made in this rulemaking.

Sincerely,



Chase Riveland
Secretary

CR:prh

cc: Margaret Vonheeder, Director, Division of Management and Budget
Patria Robinson-Martin, Assistant to the Secretary